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A.—Several ryots have been advised to sink wells round bore-holes put down by the Industries Department where there is a prospect of obtaining a sufficient supply of water for purposes of irrigation. In order to encourage well sinking, the Government have ordered that ryots should be granted loans under the Land Improvement Loans Act if they apply for them.

Mr. A. RANGANATHA MUDALIYAR :—" What is the Government's idea of a sufficient supply of water which would render well irrigation a success ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" The supply, as far as possible, sufficient for irrigation schemes to improve agriculture by growing millets, etc."

Mr. R. NAGAN GOWDA :—" May I know whether in view of the fact that this idea of sinking wells round bore-holes is new and the ryots are not likely to take it up the Government will demonstrate by sinking one or two wells ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" It has been demonstrated to the public."

Mr. A. RANGANATHA MUDALIYAR :—" By whom and when ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" By the Industries Department."

Mr. R. NAGAN GOWDA :—" The hon. Minister is thinking of bore-holes. The question refers to wells round bore-holes."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I am sorry, I must ask for notice."

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.]**

III—BILLS.

(1) A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (BILL NO. 12 OF 1929)

The hon. Dr. P. SUBBARAYAN :—" I move that the Bill to amend the Madras District Municipalities Act, 1920, be passed into law."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

* The hon. the PRESIDENT :—" As I notice that most of the amendments on paper are verbal, I think it will be for the convenience of the House if it is taken for granted that the amendments are all moved and seconded and if I once for all propose the question on the basis that they have been moved and seconded. After proposing the question I shall make a pause and if any hon. Member wants to have a debate the amendment may be debated upon. Instead of the Minister moving each amendment and my proposing it, I think it will be for the convenience of the House in this special case if I proposed the question straightway because we have to go through 120 amendments."

Mr. A. RANGANATHA MUDALIYAR :—" I am only suggesting that it will be even more convenient to the House if the President will propose saying that it is a verbal amendment. I think it will facilitate matters."

* The hon. the PRESIDENT :—" I have made a very careful study of it ; but I do not think I should be taking the responsibility of saying that it is a verbal amendment."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know having regard to the large number of amendments and also to the fact that some of the amendments are not really mere verbal amendments, whether it will be possible to refer the whole to another Select Committee ?" (Laughter.)

Clause 4 (iii)

Section 3 (8).

The hon. the PRESIDENT :—" The question is—

In clause 4, sub-clause (iii), omit *the proviso.*"

* The hon. Dr. P. SUBBARAYAN :—" The proviso was inserted originally in order to exempt co-operative societies from paying taxes on companies. As companies tax has been abolished the proviso does not serve the purpose originally intended. Hence the omission of the proviso will bring the co-operative societies on the same lines and give the benefit of Mr. James' amendment."

The motion was put and adopted.

Clause 7

Section 8.

Sub-clause (i) (*a*).

The hon. the PRESIDENT :—" The question is—

Add *the word 'and' at the end.*"

The amendment was adopted.

Clause 16

Section 18 (2).

The hon. the PRESIDENT :—" The question is—

In line 2, omit *the words 'if he'.*"

The amendment was adopted.

Clause 22

Section 26 (3).

The hon. the PRESIDENT :—" The question is—

In line 3, for *the words 'provided by'* substitute *the words 'referred to in'.*"

The amendment was adopted.

Clause 30

Section 34 (2).

The hon. the PRESIDENT :—" The question is—

Re-number *sub-clause (iii) as sub-clause (iv) and* for *sub-clause (ii)* substitute *the following sub-clauses, namely—*

(*ii*) *in clause* (*b*), *after the word 'council' the words 'or chairman' shall be inserted ;*

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(iii) in clause (c), after the word 'council' the words 'or chairman' and before the word 'information' the word 'any' shall be inserted; and"

The amendment was adopted.

Clause 31

Section 36.

The hon. the PRESIDENT :—"The question is—

(*a*) *In the proviso to sub-section* (1) for *the words and letters 'on grounds* (*a*) *or* (*b*)' substitute *the words and letters 'on any of the grounds referred to in clauses* (*a*) *and* (*b*).'

(*b*) *In sub-section* (2) for *the words and letter 'in any of the cases referred to in clause* (*c*)' substitute *the words, figure and letter 'on any of the grounds referred to in clause* (*c*) *of sub-section* (1)'."

The amendment was adopted.

Clause 33

Section 40-A.

Sub-section (4).

The hon. the PRESIDENT :—"The question is—

(*a*) *In clause* (*a*), omit *the words 'as such' occurring at the end.* 11-45 a.m.

(*b*) *In clause* (*b*), omit *the words 'as the case may be' occurring in lines* 4 *and* 5 *and also the words 'as such' at the end.*"

The amendment was adopted.

Clause 34

Section 41.

Sub-clause (i) (*b*).

The hon. the PRESIDENT :—"The question is—

After the word 'reconstitution' in the last line of proviso (*a*), insert *the word 'and'.*"

The amendment was adopted.

Sub-clause (ii).

The hon. the PRESIDENT :—"The question is—

In the last line of the main paragraph, for *the words 'or objections,'* substitute *the words 'and objections'.*"

The amendment was adopted.

Sub-clause (vii).

The hon. the PRESIDENT :—"The question is—

(*a*) *In line* 3, for *the word 'reconstitution'*, substitute *the words 'the reconstitution thereof'.*

(b) *For the words 'be entitled to all its assets and be subject to all its liabilities,'* substitute *the words 'be entitled to all the assets and be subject to all the liabilities of the council'.*"

The amendment was adopted.

Clause 36

Section 43.

Sub-section (2).

The hon. the PRESIDENT :—" The question is—

For *the first word 'Wards'* substitute *the words 'the wards'.*"

The amendment was adopted.

Sub-section (5).

The hon. the PRESIDENT :—" The question is—

(*i*) *After the words 'when a new ward is formed',* insert *the words 'or when an existing ward is abolished'.*"

(*ii*) *In clause* (*a*), *in line* 1, omit *the word 'elected'.*"

The amendment was adopted.

Clause 37.

Section 44.

Sub-clause (i).

New Sub-section (2).

The hon. the PRESIDENT :—" The question is—

In the last line, for *the words 'of every year,'* substitute *the words 'of every other year,' and* omit *the word 'and' at the end.*"

* Mr. T. S. RAMASWAMI AYYAR :—" Mr. President, Sir, I cannot make up my mind to vote for this amendment, for the substitution of the words 'of every other year' for the words 'of every year' for this reason. So far as electoral rolls are concerned, I think it is a notorious fact that in many local boards and district municipalities the electoral rolls are not properly prepared. When we are giving increased powers to the presidents of local boards and chairmen of municipalities, it is necessary that the electoral roll should be kept in proper order, and there should be a check by which the electors will have an opportunity every year to see whether their names find a place there or not. 'Every other year' would mean putting off for two years the decision of the question whether a person's name should be included in the electoral roll. If a person acquiries a right to get into the electorate after he comes into a town or a local area and gets by residence or otherwise the qualification of an elector, he should not be made to wait for two years. Again, if a person's name is inadvertently or wantonly omitted, he should be given every opportunity to get the electoral roll corrected. If the mistake is not corrected soon, he may perhaps lose the opportunity of voting in an election, for a year or two. I am told that in the electoral roll of the Legislative Assembly for the Madras Constituency of course it is a much more important body than a local board or a municipality—the hon. the Second Minister's name is not to be found. I am not sure of it, but that is my

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information and I say it subject to correction. When such conditions prevail, it is but necessary that the electoral roll should be revised every year."

* The hon. Dr. P. SUBBARAYAN :—" This question was very carefully considered, and many hon. Members felt at the time of the discussion of this clause that it would be better if the electoral roll was published once in three years because the elections are going to be triennial. It was felt that these rolls should only be corrected and published during the time the elections are to be held. It is also provided in the section to which my hon. Friend, Mr. Ramaswami Ayyar, referred, that supplementary rolls are to be published in alternate years. If any names are omitted in the meantime, they will be included in the final roll to be published just before the elections.".

Mr. T. C. SRINIVASA AYYANGAR :—" The provision in the Bill and the explanation of the hon. the Chief Minister will not answer the needs of a case of by-election. Mr. Ramaswami Ayyar referred to the omission of the name of the hon. Second Minister from the Assembly electoral roll, and it is not merely the case in the Madras city but throghout the Presidency that some names have been omitted in the electoral roll. Mr. P. T. Rajan is not an unknown factor in Madura, and his name is either so horribly misprinted or omitted. Many other names may be mentioned as instances of omission. It would be no doubt adding to the trouble of preparation of an electoral roll every year, but at the same time, when we are introducing an amendment to guard against mistakes in local institutions, we should see that a roll is prepared every year, and kept ready for reference even in case of a by-election." ,

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I can quite see the objection as well as the principle on which the amendment seems to be based. The elections are going to be held, if I have understood the amendment correctly, only once in three years. I do not see any object in having a general electoral roll prepared either once every year or once in two years. If there should be a general electoral roll prepared, it ought to be only once in three years, just before a general election. And as for any amendments that may be found necessary on account of any mistakes or on account of any new persons acquiring the qualifications of voters, which were adverted to by the hon. Member, Mr. T. S. Ramaswami Ayyar, the supplementary list that was mentioned by the hon. Minister for Local Self-Government will serve that purpose. So, it seems to me that both what is asked for by the hon. Member, Mr. Ramaswami Ayyar and what is now proposed by the hon. Minister are served by the general electoral roll being prepared once in three years just before the elections i.e., in the very year the general elections are going to be held, the supplementary lists being published every year."

Mr. P. SIVA RAO :—" Mr. President, Sir, so far as I am aware, there is no provision for the preparation of a supplementary list every year, and if they undertake the preparation of a supplemental list every year, I do not see any reason why they should fight shy of undertaking the revision of the whole electoral roll every year. As was pointed out by Mr. Srinivasa Ayyangar, the needs of a case of by-election have not been met either by the hon. the Chief Minister or by his able supporter, the hon. Member from Coimbatore. If in a by-election the election has to be gone through properly, it is absolutely necessary in the interests of the purity and accuracy of elections that a correct record should be kept of genuine voters in a municipal area."

* Mr. C. GOVINDAN NAYAR :—" The difficulties, I think, will be met by a reference to the new section in the Bill. I will therefore invite the attention of the House to clause 37. Clause 37 of the Bill includes the amended new sub-sections, which are to the following effect :—

(1) An electoral roll for every municipality showing the names of persons qualified to vote therein shall be prepared and published by the election authority in the manner prescribed before the end of June of the year in which the ordinary vacancies are to occur.

(2) The roll so prepared and published shall be revised and a list of amendments and corrections thereto shall in like manner be prepared and published by the election authority before the end of June of every year.

" The present amendment is intended merely to make it clear that the amended list is to be prepared and published every other year after the final roll has been published. The object is to avoid the expenses of having to publish the whole electoral roll year after year. In view of these provisions we will have new supplementary lists every year except in the year when the general elections are held when the whole electoral roll will be published, which will be once in three years."

Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" If what we have heard just now is the intention with which the amendment is now moved, I should consider it quite unnecessary. Nobody would think it necessary to publish a supplementary list in the year in which a full electoral roll is going to be published. So, the only object, if I understood Mr. Govindan Nayar aright, is to make it clear that in the year in which a general electoral roll is published no supplementary list is necessary. I do not think such an amendment is required at all. According to the hon. the Chief Minister however, this amendment is intended to provide that a supplementary list is to be published only in alternate years. That apparently is not the intention ; if so, I should think that this amendment is altogether unnecessary, because nobody would think of a supplementary list in a year in which the whole electoral roll is to be published."

* The hon. Dr. P. SUBBARAYAN :—" As it is, somebody may insist that this supplementary list should also be published. It is only to get rid of that anomaly."

* Diwan Bahadur B. MUNISWAMI NAYUDU :—" This may be introducing confusion. I do not know what the hon. Minister has in mind. But it looks to me that what was intended by this amendment was to have a supplementary list prepared every alternate year, not every successive year. If it is not so, I do not think there is any necessity for this amendment, nor do I think that anybody would come forward and say that a list of amendments is to be published while a full list is being published in the same year. In the circumstances, to avoid confusion, I should think that the wording may be retained as it is in the Bill."

* The hon. Dr. P. SUBBARAYAN :—" I will withdraw the amendment with the permission of the House."

The amendment was by leave withdrawn.

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Sub-clause (ii).

The hon. the PRESIDENT :—" The question is—

Omit the words 'from year to year' and insert the word 'and' at the end of the sub-clause."

The amendment was adopted.

New sub-clause (iii).

The hon. the PRESIDENT :—" The question is—

After sub-clause (ii), insert the following sub-clause, namely :—

(iii) in sub-section (5) as renumbered, for the words 'final electoral roll published under this section' the words 'electoral roll as so revised' shall be substituted."

The amendment was adopted.

Clause 38.

Section 45.

New sub-section (4).

The hon. the PRESIDENT :—" The question is—

For the word 'prescribed', substitute the word 'necessary'."

The amendment was adopted.

Clause 40 (ii).

Section 48 (2).

The hon. the PRESIDENT :—" The question is—

Omit the words 'and no honorary magistrate exercising his jurisdiction over the municipal town'; and after the words 'qualified for election' insert the words 'or for holding office'."

The amendment was adopted.

Clause 41 (ii) (f). 12 noon.

Section 49 (2) (cc).

The hon. the PRESIDENT :—" The question is—

Omit the words 'has accepted employment' in line 2 and the words 'and the employment in either case is subsisting on the said date' occurring at the end."

The amendment was adopted.

Clause 41 (ii) (g).

Section 49 (2).

The hon. the PRESIDENT :—" The question is—

Omit sub-clause (g) and re-letter sub-clauses (h) and (i) as (g) and (h) respectively. At the end of sub-clause (g) as so re-lettered, insert the word 'and'."

The amendment was adopted.

Clause 42.

Section 50.

Sub-clause (i) (*a*).

The hon. the PRESIDENT :—" The quesstion is—

For this sub-clause, substitute the following sub-clause, viz. :—*in clause (a), before the word ' court ' the word ' criminal ' and before the words ' as is described ' the words ' and for such offence ' shall be inserted.*"

The amendment was adopted.

Sub-clause (i) (*d*).

The hon. the PRESIDENT :—" The question is—

For this sub-clause substitute the following sub-clause :—

(*d*) *for clause* (*e*) *the following clause shall be substituted, namely* :—

(*e*) *is appointed as an officer or servant under this Act or as an honorary magistrate for the municipal town.*"

Mr. SAMI VENKATACHALAM CHETTI :—" Sir, this amendment seems to be one of a very far-reaching character. As a member of the select committee I remember a motion of a similar character having been discussed and defeated. I do not know the reason why the hon. Minister, after he sustained defeat in the select committee in respect of this motion, has chosen to bring it forward again. I should like to know from the hon. Minister his reasons for bringing this amendment forward at this stage. Sir, coming as they do from the Chair, we are led to believe that these are merely verbal amendments. I should like very much that the hon. Minister gave reasons for this amendment."

The hon. the PRESIDENT :—" Perhaps the hon. Member has not taken note of the fact that this Bill was considered during his absence." (Laughter.)

The hon. Dr. P. SUBBARAYAN :—" Evidently the hon. Member went to sleep when the amendment to clause 40 (ii) was carried."

Mr. SAMI VENKATACHALAM CHETTI :—" I was following the pleasant example of the hon. Minister."

* The hon. Dr. P. SUBBARAYAN :—" My hon. Friend did not wake up when that amendment was carried. This is only consequential on that."

Mr. SAMI VENKATACHALAM CHETTI :—" Thanks."

The amendment was put and adopted.

Sub-clause (i) (*e*).

The hon. the PRESIDENT :—" The question is—

Omit this sub-clause and re-letter sub-clauses (*f*), (*g*) *and* (*h*) *as* (*e*), (*f*) *and* (*g*) *respectively.*"

The amendment was adopted.

Sub-clause (i) (*g*) as re-lettered.

The hon. the PRESIDENT :—" The question is—

For the Explanation to new clause (i) substitute the following Explanation, namely :—

Explanation.—In this clause the expression 'ordinary meeting' shall not include a meeting held under sub-rule (2) of rule 2 or under rule 3 of Schedule III."

The amendment was adopted.

Clause 42 (*ii*) (*a*).

Section 50.

The hon. the PRESIDENT :—" The question is—

In line 3, after the word and figure 'sub-section (1)' insert the words and figure 'or under section 60'."

The amendment was adopted.

Clause 43.

Section 51.

The hon. the PRESIDENT :—" The question is—

For sub-clauses (i) and (ii) substitute the following sub-clauses, namely :—

(i) *in sub-section (1)—*

(*a*) *the words 'or appointed' shall be omitted ;*

(*b*) *for the words and figures 'section 49 or section 50' the words and figures 'sub-section (1) of section 48, section 49, section 50 or section 60' shall be substituted ; and*

(*c*) *after the words 'become disqualified for office' the words and figures 'under section 50 or section 60' shall be inserted ;*

(ii) *in sub-section (2), for the words and figures 'section 49 or section 50', the words and figures 'sub-section (1) of section 48, section 49, section 50 or section 60' shall be substituted ; and*"

Mr. J. A. SALDANHA :—" Mr. President, Sir, may I draw attention to the amendment I have given notice of to this clause ?"

The hon. the PRESIDENT :—" The hon. Member has given notice of an amendment to clause 52 and we are now on clause 43." (Laughter.)

Mr. J. A. SALDANHA :—" I am sorry, Sir."

The amendment was adopted.

Clause 52.

Section 70.

The hon. the PRESIDENT :—" The question is—

(*a*) *In sub-section (1) for the words 'municipal officers and servants' substitute the words 'its officers and servants'.*

(*b*) *In the proviso to sub-section (2), in line 2, omit the word 'permanent'.*"

Mr. J. A. SALDANHA :—" Sir, I beg to move—

In lines 4 and 5 of the proviso omit the words ' and is drawing a salary of not less than fifty rupees per mensem '.

" My reasons are these : I do not see any reason why persons drawing a salary below Rs. 50 should be excluded from the operation of this proviso. There are many poor clerks and others who draw less than Rs. 50."

The hon. the PRESIDENT :—" The hon. Member will have to wait. After the hon. Minister's amendment is disposed of, he can move his amendment."

Mr. J. A. SALDANHA :—" I have no objection."

The hon. the PRESIDENT :—" It is not a question of the hon. Member having any objection. This is not the proper place for moving his amendment."

The amendment of the hon. Minister was put and adopted.

Mr. J. A. SALDANHA :—" Sir, I rise for the third time to move my amendment to delete in lines 4 and 5 of the proviso the words ' and is drawing a salary of not less than fifty rupees per mensem '."

The hon. the PRESIDENT :—" This is the only proper moment for the hon Member to move his amendment."

Mr. J. A. SALDANHA :—" Sir, the concession granted by the proviso means that no proposal adversely affecting any permanent municipal officer or servant who has been in the permanent service of the municipality for more than five years, and is drawing a salary of not less than fifty rupees per mensem shall be considered except at a special meeting convened for the purpose and no such proposal shall be given effect to unless assented to by at least one-half of the members then on the council. It is proposed to exclude members of the staff drawing below Rs. 50 from the benefit of this concession. Sir, justice as well as humanity demands that persons drawing less than Rs. 50 who form the vast majority of the employees of a municipality should be given the benefit of this concession. I submit that if they have been in the service of the municipality for more than five years, they should be granted this concession and not be left to be dealt with by the whims and fancies and prejudice or malice of the majority of members of the municipality. In my opinion it is these men who are getting lower pay ranging from Rs. 15 or 20 to about 40 or so that need such safeguards. It is a well-known fact that on account of factions in our municipal councils proposals affecting adversely the subordinates of the council can be easily brought in and carried entailing loss of appointment to such subordinates who happen unfortunately to incur the displeasure of some one or other. Under such circumstances the benefit of this proviso should be extended to all the members of a municipal establishment. I therefore propose this amendment to delete the words ' and is drawing a salary of not less than fifty rupees ' from the proviso."

* Mr. R. NAGAN GOWDA :—" Sir, I second the amendment of Mr. Saldanha. I think it is but just that men who are getting less than Rs. 50 should also be included in this proviso. I think they are even more entitled to this protection than the men drawing more than Rs. 50. The higher-paid people can get their grievances redressed more easily, whereas men getting less than Rs. 50 cannot."

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Mr. K. UPPI SAHIB :—" Sir, the amendment moved by Mr. Saldanha is a reasonable one and therefore deserves the support of all sides of the House. It is highly necessary that the low-paid members of the staff of a municipality —and they are mostly members of the depressed classes—should be protected from the high-handed action of the members of the municipality who are mostly members belonging to the higher classes. I therefore strongly support this amendment."

Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Sir, I regret to have to oppose this amendment. You may remember, Sir, that a proviso like this was not found in the original Bill of the Government, nor was it found in the Bill as it emerged from the Select Committee. It was on an amendment moved by the hon. the Chief Minister that this proviso was introduced. There was a considerable amount of opposition to it and, as a matter of compromise, it was agreed that in the case of the permanent officers of the municipality who were drawing a salary of Rs. 50 and above such a protection might be given and the amendment was accepted during the second reading of this Bill before this hon. House. Sir, it appears to me that this sympathy towards the municipal servants appears to be of very recent birth in my hon. Friends Messrs. Saldanha, Uppi Sahib and Nagan Gowda. (Mr. R. Nagan Gowda: Question). If a motion like this had proceeded from my hon. Friends at an earlier stage, I could have understood it. I do not see why hon. Members should at this late stage have discovered that this sympathy should be extended to even the municipal servants who draw very low salaries.

" As a matter of fact, it will lead to very great inconvenience in the administration if it is laid down that even a small office, say, that of a peon, should not be affected except by a decision arrived at a special meeting and with a special quorum. This provision does not relate to all proposals regarding establishment. It is only when the establishment schedule is sought to be altered in some manner that this provision is made applicable, that is to say, in the case of higher officers of the municipalities who will be affected by an alteration in the establishment schedule, this special procedure of having a special quorum and of convening a special meeting for the purpose has been provided for. In other cases the matter has to be decided in ordinary meetings. In any event according to the Act, even as it is, a change in the establishment schedule should come up before the municipal council and it is not open to the municipal chairman or anybody else to make an alteration. This matter was fully discussed at the second reading of the Bill and I do not see any reason why this House should go back upon a decision which was deliberately arrived at and with the full concurrence of the hon. Minister." 12-15 p.m.

Rao Sahib R. SRINIVASAN :—" I do not see any reason why there should be any distinction made between one class of servants and another. If the lot of these poor and low-paid municipal servants is left to the chairman it will be very hard for them. I submit the matter should be left entirely in the hands of the municipal council."

* The hon. Dr. P. SUBBARAYAN :—" I have already accepted the amendment moved by my hon. Friend Mr. Kumaraswami Reddiyar and I do not mean to change that decision now."

* Mr. J. A. SALDANHA :—" The reasons given by my hon. Friend from Tinnevelly come to me as a surprise. He said that as a sort of compromise this change was introduced. I do not see any reason why there should be

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one set of rules for one class of officers and a different set of rules for other officers. I would appeal to the hon. Minister to consider this question from the point of view of justice and humanity. The clause as it stands contemplates that any proposal regarding appointments carrying a salary of not less than Rs. 50 should be considered at a special meeting and with a special quorum of members present. I ask why not all appointments, say on Rs. 25 and also Rs. 12, come before a special member of a council by bringing them within the purview of this clause. Where is the spirit of compromise in a matter like this? I would like a sweeping change if there is to be a change at all. We have to deal with a large number of servants. Year after year the budget is framed and when we are at a loss to balance the budget, it is usually proposed to reduce the establishment of sweepers or that of maistries. This is a question which affcts, not any individuals, but a class of low-paid municipal servants. Under those circumstances I would appeal to the hon. Minister to consider this question from the point of view of justice and humanity. I am glad my hon. Friend Mr. Srinivasan supported me. I have known cases—I speak from personal experience—where injustice has been done to poor people who have been sent away from their service by one stroke of the pen and with a small majority. These poor sweepers who are entitled to a small gratuity are sent away even without such gratuity being paid to them. I do not see any reason why the municipal council should be so hard upon these poor people. I ask why should we not insist upon a large majority of votes being recorded in cases where these poor people are to be sent away. When budget is framed year after year the whole municipal council should be present. The existing practice is that often we get a bare necessary quorum. The chairman who insists upon the reduction of these poor people can have an easy majority of votes in his favour. Sir, it will be a very great injustice and it will be very hard upon these poor municipal servants if the clause is left as it is. I hope the hon. Minister will consider this question carefully and sympathetically."

The hon. the **President** :—" The question is—

'*that in clause* 52 (*section* 70, *proviso*), *in lines* 4 *and* 5 *the words* " *and is drawing a salary of not less than fifty rupees per mensem* " *be omitted*.' "

The motion was declared lost.

Mr. J. A. Saldanha demanded a poll which was taken and the House divided as follows :—

Ayes.

1. Rao Sahib R. Srinivasan.
2. Mr. R. Nagan Gowda.
3. ,, T. S. Ramaswami Ayyar.
4. ,, Sami Venkatachalam Chetti.
5. Mr. J. A. Saldanha.
6. ,, K. Uppi Sahib.
7. ,, M. Balasubrahmanya Mudaliyar.

Noes.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. ,, Diwan Bahadur Sir M. Krishnan Nayar.
3. ,, Mr. A. Y. G. Campbell.
4. ,, Mr. M. R. Seturatnam Ayyar.
5. ,, Mr. S. Muthiah Mudaliyar.
6. ,, Dr. P. Subbarayan.
7. Mr. Hilton Brown.
8. ,, H. A. Watson.
9. ,, A. G. Leach.
10. ,, J. Gray.
11. ,, S. V. Ramamurti.
12. ,, C. B. Cotterell.
13. ,, V. Ch. John.
14. ,, M. A. Manikkavelu Nayakar.

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Noes—cont.

15. Khan Sahib Syed Tajudin Sahib Bahadur.
16. Rao Sahib V. I. Muniswami Pillai.
17. Mr. A. B. Shetty.
18. ,, J. Bheemayya.
19. Rao Sahib P. J. Gnanavaram Pillai.
20. Khan Bahadur Mahmud Schamnad Sahib Bahadur.
21. The Muppil Nayar of Kavalappara.
22. ,, Zamindar of Singampatti.
23. Subadar-Major S. A. Nanjappah Bahadur.
24. Mr. N. Siva Raj.
25. ,, M. V. Gangadhara Siva.
26. Rao Sahib L. C. Guruswami.
27. Mr. S. Subrahmanya Moopanar.
28. ,, N. Srinivasa Rao.
29. ,, C. Govindan Nayar.
30. The Raja of Parlakimedi.
31. Mr. S. N. Dorai Raja.
32. ,, M. Narasimha Rao.
33. The Raja of Kallikota.
34. Mr. K. Ramachandra Padayachi.
35. ,, U. Ramaswami Ayyar.
36. Diwan Bahadur B. Muniswami Nayudu.
37. Rao Bahadur C. Natesa Mudaliyar.
38. Diwan Bahadur S. Kumaraswami Reddiyar.
39. Mr. T. K. Chidambaranatha Mudaliyar.
40. Diwan Bahadur P. C. Ethirajulu Nayudu.
41. Mr. Kadir Mohideen Sahib.
42. Khan Bahadur S. K. Abdul Razak Sahib Bahadur.
43. Rao Bahadur K. Sitharama Reddiyar.
44. Rao Sahib B. Venkataramayya Nayudu.
45. Mr. G. Lakshmana Reddi.

Ayes 7. *Noes* 45.

The amendment was negatived.

Clause 53.

Section 71.

The hon. the PRESIDENT :—" The question is—

(*a*) *In line* 1 *for the words and figures* '*sections* 71 *and* 72' *substitute the word and figures* '*section* 71'.

(*b*) *In sub-section* (4) *for the words* '*such officer*' *substitute the words* '*secretary, health officer or engineer*' "

The amendment was adopted.

Clause 54.

Section 72 (4).

The hon. the PRESIDENT :—" The question is—

In the last line before the words '*strength of the Council*' *insert the word* '*sanctioned*'."

The amendment was adopted.

Clause 58.

Section 77A.

The hon. the PRESIDENT :—" The question is—

In sub-section (2) *for the words*, '*the Local Government shall have power to make rules regulating the classification*' *substitute the words and figures* '*the Local Government shall have power subject to the provisions of section* 305-*A*, *to make rules to regulate the classification*'."

The amendment was adopted.

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Clause 59 (i).

Section 78.

The hon. the PRESIDENT :—" The question is—

For sub-clause (i), substitute the following sub-clause, namely :—

' (i) clause (b) of sub-section (1) shall be omitted and clauses (c) to (f) re-lettered as (b) to (e), respectively ' "

The amendment was adopted.

Clause 60 (i).

Section 79.

The hon. the PRESIDENT :—" The question is—

For sub-clause (i), substitute the following sub-clause, namely :—

(i) in clause (a) for the words and figures ' the Indian Income-tax Act VII of 1918 *', the words ' any Act of the Indian Legislature for the time being in force ' shall be substituted and the words ' the tax on companies and of ' shall be omitted."*

The amendment was adopted.

Clause 60 (ii).

Section 79.

The hon. the PRESIDENT :—" The question is—

In line 3, *for the words ' notified station ' substitute the words and figures ' station notified under section* 116 *'."*

The amendment was adopted.

Clause 60 (iii).

Section 79.

The hon. the PRESIDENT :—" The question is—

For the words ' such tax ' substitute the words and letter ' any tax levied under clause (b) '."

The amendment was adopted.

Clause 62 (i).

Section 81 (1).

12-30 p.m. The hon. the PRESIDENT :—" The question is—

(*a*) *In line* 1, *for the words ' council resolves ' substitute the words ' council by a resolution determines ';*

(*b*) *Omit the second proviso and in lieu thereof insert the following before the proviso relating to the railway tax :—*

' Provided that where the water and drainage tax is levied, the municipal council shall declare what proportion of the tax is levied in respect of waterworks and the remainder shall be deemed to be levied in respect of drainage works and the proportion so declared shall also be specified in the notification published under section 80.'

(*c*) *In the proviso relating to the railway tax, for the opening words ' Provided that ' substitute the words ' Provided further that '."*

The amendment was adopted.

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Clause 62 (iii).

Section 81.

The hon. the PRESIDENT :—" The question is—

For new sub-section (4), *substitute the following sub-section, namely* :—

4. (*a*) *the municipal council may, in the case of lands used exclusively for agricultural purposes, levy these taxes at such proportions as it may fix of the annual value of such lands as calculated in accordance with the provisions of section* 79 *of the Madras Local Boards Act*, 1920.

(*b*) *If such lands be occupied by tenants the municipal council shall levy the taxes in equal shares from the landholder and the tenant respectively.*"

The amendment was adopted.

Clause 63.

Section 82.

Sub-clause (i).

The hon. the PRESIDENT :—" The question is—

' *At the end of sub-clause* (i) *insert the word* ' *and* '."

The amendment was adopted.

Clause 64.

Section 83.

Sub-clause (i).

The hon. the PRESIDENT :—" The question is—

(*a*) *In lines* 4 *and* 5, *after the words* ' *buildings used for educational purposes* ' *insert the words* ' *including hostels* '.

(*b*) *In line* 6, *for the words* ' *sheltering animals or destitute persons* ' *substitute the words* ' *sheltering the destitute or animals* '.

(*c*) *In lines* 8 *and* 9, *for the words and figures* ' *ancient monuments protected under the Ancient Monuments Preservation Act*, 1904 ' *substitute the words and figures* ' *such ancient monuments protected under the Ancient Monuments Preservation Act*, 1904, *or parts thereof as are not used as residential quarters or as public offices* '."

Mr. SAMI VENKATACHALAM CHETTI :—" Sir, may I know whether it is the intention of the hon. the Chief Minister to exempt those buildings also which are used for educational purposes, though not owned by educational institutions but rented to them and owned by landlords ? "

* The hon. Dr. P. SUBBARAYAN :—" The effect of the amendment already carried in the consideration stage is the same as the hon. Member has now pointed out."

Mr. SAMI VENKATACHALAM CHETTI :—" May I ask if it is proposed to exempt hostels also which are rented for educational institutions and whether it is fair that the municipalities concerned should not be permitted to levy property tax on such hostels ? "

* The hon. Dr. P. SUBBARAYAN :—" This amendment is intended to bring the provisions of this Bill into line with those of the Madras Local Boards Bill. If the hon. Member reads the Bill, he will see that hostels are specially included in the amendment by inadvertance. I am therefore proposing a verbal amendment."

* Mr. A. RANGANATHA MUDALIYAR :—" Sir, I do not know where I am. I think that my hon. Friend, Mr. Sami Venkatachalam Chetti has raised a pertinent question, viz., if a building is not the property of the educational institution concerned but has been rented from a landlord who receives a handsome amount of rent, why should such a property be exempt from property tax. I should say that it should be liable to the payment of the tax because the landlord is making money out of it. I do not see any reason why he should be favoured. I hope the hon. Minister will reconsider his position with regard to this matter."

The hon. Dr. P. SUBBARAYAN :—" The hon. Member will find that the section runs thus :—

For the words 'buildings used for educational purposes and libraries and play-grounds which are open to the public and from which no income is derived. . . . .'"

The amendment was put and adopted.

Sub-clause (ii).

The hon. the PRESIDENT :—" The question is—

For the words 'hospitals and dispensaries' substitute the words 'such hospitals and dispensaries' and for the words 'which may from time to time' substitute the words 'as may from time to time'."

The amendment was adopted.

Sub-clause (iv).

The hon. the PRESIDENT :—" The question is—

For the Explanation, substitute the following Explanation, namely :—

'Explanation.—The exemption granted under this section shall not extend to residential quarters attached to schools and colleges, not being hostels or to residential quarters attached to hospitals, dispensaries and libraries'."

The amendment was adopted.

Clause 64 (2).

Section 83 (2).

The hon. the PRESIDENT :—" The question is—

In line 2, for the words 'exclusively used' substitute the words 'used exclusively'."

The amendment was adopted.

Section 83 (5) (ii).

The hon. the PRESIDENT :—" The question is—

In line 3, omit the word 'companies'."

The amendment was adopted.

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Clause 65.

Section 84 (1).

Proviso.

The hon. the PRESIDENT :—" The question is—

For the words 'and jetties as also passenger sheds, latrines, cart-stands, retiring rooms and platforms belonging to the railways' substitute the words 'jetties, and passenger sheds, latrines, cart-stands, retiring rooms and platforms belonging to a railway administration'."

The amendment was adopted.

Clause 66.

Section 86.

The hon. the PRESIDENT :—" The question is—

In line 1, omit the words 'and the municipal cess'."

The amendment was adopted.

Clause 70.

Section 92.

The hon. the PRESIDENT :—" The question is—

After the words 'said Act' insert the words 'and the heading thereof'."

* The hon. Dr. P. SUBBARAYAN :—" You yourself have stated that it is not necessary to move such an amendment."

The hon the PRESIDENT :—" I presume the words are to be inserted in the Bill. Then there is no harm in adopting the amendment."

The amendment was adopted.

Clause 71.

Section 93 (3).

The hon. the PRESIDENT :—" The question is—

After the words 'by reason merely of change of place of business' insert the words 'exercise of profession, art or calling'."

The amendment was adopted.

Section 93 (4).

The hon. the PRESIDENT :—" The question is—

For the words 'another local authority' substitute the words 'any other local authority or authorities' and for the words 'either of the local authorities' substitute the words 'any of the local authorities'."

The amendment was adopted.

Clause 72.

Section 94.

The hon. the PRESIDENT :—" The question is—

Omit the word 'concerned' at the end."

The amendment was adopted.

Section 94-A.

The hon. the PRESIDENT :—" The question is—

For the words 'within the municipality' in lines 4 and 5, substitute the words 'in the municipality'."

The amendment was adopted.

Clause 73.

Section 95.

The hon. the PRESIDENT :—" The question is—

In line 1, after the words 'said Act' insert the words 'and the heading occurring before that section'."

The amendment was adopted.

Clause 76.

Section 98 (1).

The hon. the PRESIDENT :—" The question is—

In line 1, for the words 'council resolves' substitute the words 'council by a resolution determines'."

The amendment was adopted.

Clause 78.

Section 100.

The hon. the PRESIDENT :—" The question is—

In the penultimate line of the new proviso, for the word 'each' substitute the word 'every'."

The amendment was adopted.

Clause 80.

Section 105.

The hon. the PRESIDENT :—" The question is—

(a) *In line 1, omit the words and figure 'sub-section (1) of'.*

(b) *In sub-clause (i), in line 1 of new sub-section (1), for the words 'council resolves' substitute the words 'council by a resolution determines'."*

The amendment was adopted.

Clause 82.

New section 106-A.

The hon. the PRESIDENT :—" The question is—

In line 5, for the words 'under the said Act' substitute the word 'thereunder'."

The amendment was adopted.

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Clause 83 (i).

Section 108 (1).

The hon. the PRESIDENT :—" The question is—

In line 3, for the words 'council resolves' substitute the words council by a resolution determines'."

The amendment was adopted.

Clause 84 (i).

Section 110.

The hon. the PRESIDENT :—" The question is—

In line 3, for the words 'council resolves' substitute the words 'council by a resolution determines'."

The amendment was adopted.

Clause 85.

Section 111.

The hon. the PRESIDENT :—" The question is :—

For sub-clause (1) substitute the following sub-clause, namely—

(1) *In sub-section (1), section 111 of the said Act, for the words 'may construct toll-bars and toll-stations' the words 'shall construct toll-stations and may construct toll-bars' shall be substituted."*

Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" May I know the reason why this amendment is moved ? "

* The hon. Dr. P. SUBBARAYAN :—" In the case of the Local Boards Bill the construction of toll-stations has been made obligatory. By reason of the amendment carried, it is necessary that the construction of toll-stations should be made compulsory and that the construction of the toll bars may be made if the municipalities think it necessary."

The hon. the PRESIDENT :—" Under the existing Act, I do not think it is obligatory on the part of municipal councils to construct toll-stations; but it is obligatory on their part to hang the table showing the rates of toll levied. The effect of this amendment will be that the municipal councils will have to construct a toll-shed and to hang the table showing the rates; but the construction of toll-bars will not be obligatory. It means that the municipal council should provide a shed at every place where tolls are collected."

The amendment was adopted.

Clause 88.

Section 116.

Sub-section (1).

The hon. the PRESIDENT :—" The question is—

(*a*) *For the first sentence, substitute the following sentence, namely :—*

'Where a municipality is resorted to by pilgrims, and the occasions for pilgrimage occur at intervals of years or only once or

twice in a single year, a tax on persons leaving the municipality or its neighbourhood by railway, shall be levied only for a specified period in respect of each such occasion.

(*b*) *In the second sentence for the words 'a place of pilgrimage is one of perennial resort' substitute the words 'a municipality is a place of pilgrimage of perennial resort'.*"

12-45 p.m. The amendment was adopted

Clause 95.

Section 156.

The hon. the PRESIDENT :—" The question is—

'*Omit the explanation*'."

The hon. Dr. P. SUBBARAYAN :—" The explanation has been omitted in the corresponding section of the Local Boards Act and if it is retained here, it will also have to be retained in the Local Boards Act. According to the Local Boards Act, the Local Government have no power to determine that no contribution shall be payable in any particular case. To bring this Bill also into line with that Bill, the explanation should be omitted."

The amendment was adopted.

Clause 99.

Section 174-A.

Sub-section (2)

The hon. the PRESIDENT :—" The question is—

In the last line, for the words 'will be granted' substitute the words 'may be granted'. "

The amendment was adopted.

Sub-section (5)

The hon. the PRESIDENT :—" The question is—

In line 2, before the words 'the Madras Local Boards Act' insert the words and figures 'sub-section (2) of section 166 of'."

The amendment was adopted.

Clause 100.

Section 183.

Sub-section (4)

The hon. the PRESIDENT :—" The question is—

In lines 1 and 2, for the words and figures 'no licence under sub-section (1) nor any lease under sub-section (3), substitute the words and figures 'neither a licence under sub-section (1) nor a lease under sub-section (3).' "

The amendment was adopted.

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Clause 106 (i).

Section 250 (2) (ii).

The hon. the PRESIDENT :—" The question is—

In line (3) *for the words ' under by-laws framed ' substitute the words ' by by-laws made '.*"

The amendment was adopted.

Clause 109.

Section 258-A.

The hon. the PRESIDENT :—" The question is—

Omit the clause."

Mr. R. NAGAN GOWDA :—" Mr. President, Sir, I do not see any reason why this clause should be omitted. The clause says 'Any place where persons assemble for the sale or purchase of articles of food or clothing, of live-stock or poultry, of cotton, groundnut or other industrial crops of any other raw or manufactured products may be declared by the municipal council, with the approval of the Local Government, to be a market.' That, I think, is quite essential and I therefore see no reason why the hon. the Chief Minister wants it to be omitted."

The hon. the PRESIDENT :—" That comes under amendment No. 69."

The hon. Dr. P. SUBBARAYAN :—" This is consequential to the introduction of new section 270-A of the Bill making provision in the same behalf."

* The hon. the PRESIDENT :—" I will explain the difficulty. According to the framing of the Bill, a place where persons assemble for the sale or purchase of articles has first to be declared a market before a licence is applied for it. That means, a person who starts a new market need not himself go to the municipal council to obtain a licence. He can start a market without a licence from the municipal council and if the municipal council has to declare it as a market, it and not he, has to go to the Local Government to have it determined as a market. Until such time, the market can go on and vested rights may arise. If this clause is omitted, a person who wishes to start a market will have to go to the municipal council for obtaining a licence and then start the market, and whenever disputes arise, whether a place is a market or not, power is given to the municipal council to refer the matter to the Government under section 270-A. That was the intention of the select committee on the Local Boards Bill."

Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, the hon. the Minister's explanation for the omission of this clause is that it is covered by the amendment that he intends to move later on. The wording of the amendment there is :

'*If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of live-stock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products, the municipal council shall make a reference to the Local Government and the decision of the Local Government on the question shall be final.*'

"Therefore, the municipal council is prevented from referring this question to the Local Government unless a question has arisen. I should like to know from the hon. the Minister who should be the person that should initiate or who should propound this question, whether the persons who assemble there, or whether the municipal council itself. Probably, both are at liberty to make a reference to the Local Government. It seems to me that this task of the municipal council to raise the question and then to submit a reference to the Local Government will be minimised by the municipal council at once declaring a certain place to be a market and by allowing the parties concerned to question the authority of the municipal council, if necessary, and to get the decision of the Local Government. I do not see any reason why this small power of declaring a certain place to be a public market which is sought to be vested in the municipal council should be taken away and a regular question should be propounded by the parties concerned or by the municipal council to the Local Government. Evidently, the hon. the Chief Minister has got in his mind places where large concerns are started, as in the case of Chirala, which are not included in the municipal area and over which the municipal council has no authority. It seems Government have exempted the particular area from the operation of the Act, and thus freed the companies from the payment of the taxes to the municipal council, though they derive benefits from the municipal council. It seems to me that it is placing the municipal councils at a disadvantage by asking them to accept the omission of this clause. After all, the object does not seem to be apparent, on the face of it to exempt any particular area which is considered by the municipal council to be a market; and I do not see any valid reason for omitting this clause. I therefore oppose the amendment."

* The hon. Dr. P. SUBBARAYAN :—"Sir, a provision to the same effect was also made in the Local Boards Bill after consideration and the Council felt that the clause, as proposed by amendment No. 69, would be the proper one and not section 258-A. As regards the question which my hon. Friend asks as to who is to make a reference to the Government, it is stated in the amendment that will be proposed hereafter, namely :—

'*If any question arises. . . . the municipal council shall make a reference to the Local Government and the decision of the Local Government on the question shall be final*'.

"According to that amendment, it is the municipal council that should make the reference. That is what is stated there."

Mr. R. NAGAN GOWDA :—"Under what provision, do they declare ?"

The hon. Dr. P. SUBBARAYAN :—"Under the provisions of the Act."

The hon. the PRESIDENT :—"The idea is this. If this is omitted, there is no section to enable the municipality to declare a place a market and a market is a well-known thing. Anybody knows that if a dispute arises as to whether a particular place is a market or not, it has to be referred to the Local Government."

Mr. SAMI VENKATACHALAM CHETTI :—"First of all, it must be declared a market, then disputes will arise and then the matter may be referred to the Local Government if necessary."

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The hon. the PRESIDENT :—" I now put the amendment to the vote of the House. The question is—

Omit the Clause.

The amendment was adopted.

Clause 111.

Section 260 (2) (*c*).

The hon. the PRESIDENT :—" The question is—

For the word 'bringing', in line 1 substitute the word 'carrying' and for the word 'carrying' in line 2 substitute the word 'bringing'. "

The amendment was adopted.

Clause 111-A.

The hon. the PRESIDENT :—" The question is :—

After clause 111, *insert the following clause namely* :—

111-*A*. *In sub-section* (1) *of section* 261 *of the said Act, for the words 'rents and fees,' the word 'fees' shall be substituted.*"

The amendment was adopted.

Clause 112.

Section 262 (4)

The hon. the PRESIDENT :—" The question is—

After the words 'licence was sought' add the words 'or had been obtained'. "

The amendment was adopted.

Clause 113.

Section 262-A.

The hon. the PRESIDENT :—" The question is—

In line 2, for *the word 'fees'* substitute *the words 'any fees'.*"

The amendment was adopted.

Clause 118.

Sections 270-A to 270-D.

The hon. the PRESIDENT :—" The question is—

(*a*) *Re-number sections* 270-*A to* 270-*D as sections* 270-*B to* 270-*E respectively and before the heading 'Cart-stands' insert the following section, namely* :—

'270-*A*. *If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of livestock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products is a market or not, the municipal council shall make a reference to the Local Government and the decision of the Local Government on the question shall be final.*"

Section 270–B (2) as renumbered by amendment (*a*).

(*b*) *For the words ' of every such place' at the end, substitute the word ' thereof '.*

Section 270–D as renumbered by amendment (*a*).

(*c*) *For the figures and letter ' 270 A', substitute the figures and letter ' 270 B'.*

Section 270–E (4) as renumbered by amendment (*a*).

(*d*) *After the words ' licence was sought' add the words 'or had been obtained.'*

The amendments were adopted.

Clause 123 (i).

Section 303 (2) (*b*).

The hon. the PRESIDENT :—" The question is—

In lines 2 *and* 3, omit *the words ' or appointments '.*

In the second proviso, for the words ' Adi-Dravida or Adi-Andhra candidate standing for election' substitute the words ' Adi-Dravida candidate '."

The amendment was adopted.

Clause 123 (iv).

Section 303 (2) (*n*).

The hon. the PRESIDENT :—" The question is—

In line 3, omit *the words ' companies tax '.*"

The amendment was adopted.

Clause 123 (vi).

Section 303 (2) (*r*).

The hon. the PRESIDENT :—" The question is—

In line 3, before *the words ' to compel' insert the word ' and '.*"

The amendment was adopted.

Mr. F. E. JAMES :—" Mr. President, Sir, I beg to move the following amendment :—

In sub-clause (vi) omit the word ' and ' at the end of (q) and after (r) add the following :—

' and (s) for determining the cost of buildings and lands, the depreciation to be allowed and conditions under which lands shall be deemed to be appurtenant to buildings '.

" Sir, the proviso to section 81 (3) provides for the determining of the cost of lands in such manner as may be prescribed by the Local Government by

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rules made under the Act. Therefore, it is essential that when Government frame rules for determining the cost of lands, similar provision should be made for the cost of buildings, so as to adopt a uniform procedure. According to the present Act, municipalities themselves to make by-laws and this amendment will save a great deal of trouble which corporations feel in determining the value of the various buildings. The provision in the Bill for determining the conditions under which lands shall be deemed to be appurtenant to buildings in section 306, under which the municipalities have power to make by-laws. As a matter of fact, that is not generally satisfactory, because no uniform procedure is likely to be adopted by municipalities and many municipalities do not at all frame by-laws; so that the result is that difficulties are experienced. Therefore the suggestion made by my amendment is that Government shall be given power to make rules which shall be uniform for all municipalities. I am quite sure hon. Members will find no difficulty in accepting my amendment."

* Mr. T. S. RAMASWAMI AYYAR :—" Mr. President, Sir, it seems to me that the amendment of Mr. James will lead to hardship in certain cases. In all cases it will not be possible to assess the value of the buildings on the capital spent. It may be that in some cases the rental value of the building may furnish a better basis for assessment. Discretion should therefore be given to the local bodies to determine how the property should be assessed. If we are to assess the value of the buildings in the City of Madras on their capital value it will bring in nearly twice the income to the Corporation but it will be doing a great hardship to assessees. For example, if the Christian College and other similar institutions were to be assessed on the amount of the money spent as capital on the buildings the institutions really cannot exist after paying the municipal tax. Therefore I suggest that some discretion should be given to the local bodies to determine how they should assess houses in the local area. It may possibly be profitable to adopt in certain cases the line of procedure suggested by Mr. James; but we must remember that there may be cases where it will not be possible to adopt such a procedure. So that I feel that no hard-and-fast rule should be laid down, but discretion should be left to the local bodies in such matters. If by-laws are not passed, as Mr. James said, by local bodies, Government should insist on the local bodies passing by-laws. For these reasons I oppose the motion of Mr. James." 1 p.m.

* Diwan Bahadur B. MUNISWAMI NAYUDU :—" Sir, I find some difficulty in accepting the motion of Mr. James. Section 82 of the Act as amended provides for the method of assessment of property. It runs thus :

'(1) Every building shall be assessed together with site and other adjacent premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year less a deduction, in the case of buildings only, of ten per centum of such annual rent and the said deduction, shall be in lieu of all allowance for repairs or on any other account whatever : '

" So that in the case of lands and buildings it is not the cost but the gross annual rent minus a ten per cent depreciation that is taken into account in fixing the assessment. Then the proviso runs thus :

' Provided that

(a) in the case of (i) any Government or railway building or (ii) any building the gross annual rent of which cannot, in the opinion of the chairman be estimated, the annual value of

the premises shall be deemed to be six per centum of the total of the estimated value of the land and the estimated present cost of erecting the building after deducting for depreciation a reasonable amount which shall in no case be less than ten per centum of such cost : '

"So that under section 82 the Legislature has fixed what shall be the depreciation. Now what the motion of Mr. James aims at is to leave that open ; and such a step will lead to conflict with the provisions of section 82. I believe we have fixed a fair amount for depreciation. And so I have to oppose the amendment of Mr. James."

*The hon. Dr. P. SUBBARAYAN :—"I am also in agreement with the difficulties pointed out by Mr. Muniswami Nayudu. For section 82 (2) already provides for depreciation and to leave it with the discretion of the Local Government here is to create conflict between section 82 and this section. Then as regards the rule-making powers they will be subject to the other sections of the Act. Hence I cannot agree to the motion of Mr. James."

Mr. F. E. JAMES :—"Sir, I realize the difficulty pointed out by Mr. Muniswami Nayudu, and I shall move for the deletion of the words 'depreciation to be allowed', if the House allows me. But still the difficulty regarding the definition of 'appurtenant to buildings' remains. This and the determination of the cost of buildings and lands. I feel that the rules should be put on a uniform basis. For there has been—I am not speaking from theory—definite practical difficulty in regard to this, and I think there ought to be some general rule under which the cost of buildings and lands should be determined."

Diwan Bahadur B. MUNISWAMI NAYUDU :—"Sir, I move that this amendment be taken up after the disposal of the other amendments."

The hon. the PRESIDENT :—"The question is to postpone the consideration of amendment of Mr. James."

The motion was put and adopted.

Clause 124 (3) (*b*).

The hon. the PRESIDENT :—"The question is—

For the first four lines of this sub-clause beginning with 'After sub-section (2)' and ending with 'under this section shall', substitute *the following, namely: 'After the same section the following section shall be inserted, namely :—*

"305-*A*. *A draft of the rules proposed to be made under sub-section* (2) *of section 77-A or under section* 305 *shall*." ' "

The amendment was adopted.

The hon. the PRESIDENT :—"The question is—

In section 305-*A as renumbered by the above amendment for the word 'Gazette' in the penultimate line*, substitute *the expression* 'Fort St. George Gazette'."

The amendment was adopted.

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The hon. the PRESIDENT :—"I think the amendment to omit sub-clause (ii) in clause 125 also has to be postponed."

Mr. F. E. JAMES :—" Yes, as it is consequential."

The amendment was postponed.

Clause 128.

Section 314.

The hon. the PRESIDENT :—" The question is—

'In sub-section (1), for the expression 'Rs. 200' occurring at the end, substitute the words 'two hundred rupees for every such offence'.

In sub-section (2), for the expression 'Rs. 1,000' occurring at the end, substitute the words 'one thousand rupees for every such offence'.

The amendment was adopted.

Clause 130.

Section 321.

Sub-clause (i).

The hon. the PRESIDENT :—" The question is—

'Omit the word 'and' at the end of the sub-clause.

The amendment was adopted.

Sub-clause (iii).

The hon. the PRESIDENT :—" The question is —

Omit the words 'of any licence or permission' in lines 2 and 3, and insert the word 'and' at the end of the sub-clause."

The amendment was adopted.

Sub-clause (iv).

The hon. the PRESIDENT :—" The question is—

For sub-clause (iv), substitute the following sub-clause, namely :—

'(iv) in sub-section (9), after the words 'for registration' the words 'and may in his discretion also recover summarily and pay over to the council such amount, if any, as he may fix as the costs of the prosecution' shall be added."

The amendment was adopted.

Clause 137 (*i*).

Section 347.

The hon. the PRESIDENT :—" The question is—

For the word 'save' substitute the word 'Save'.

The amendment was adopted.

Clause 140.

The hon. the PRESIDENT :—" The question is—

Substitute the following section for *section* 351-*A*, *namely* :—

' 351-*A*. *The election authority may defend himself if sued or joined as a party in any proceeding relating to the preparation or publication of electoral rolls or to the conduct of elections, as the case may be, and the expenses incurred by the election authority in so doing shall be payable from the municipal fund* '."

The amendment was adopted.

Clause 145.

Section 363.

The hon. the PRESIDENT :—" The question is —

Before *the words and figures* ' *sections* 303 *and* 305 ', insert *the words, figures and letter* ' *sub-section* (2) *of section* 77-*A and* '."

The amendment was adopted.

Clause 146.

Section 368.

The hon. the PRESIDENT :—" The question is—

(*a*) *In sub-section* (1), *in line* 4, after *the words* ' *exercise the powers* ' insert *the words* ' *discharge the duties* '.

(*b*) *In sub-section* (2), *in line* 3, for *the words* ' *within a period of six months* ', substitute *the words* ' *on a day within six months* ' *and at the end*, add *the words* ' *declaring the area to be a municipality* '.

(*c*) *In sub-section* (3), *in line* 1, after *the words* ' *exercise the powers* ' insert *the words* ' *discharge the duties* ' *and in line* 3, omit *the word* ' *municipal* '.

(*d*) *In sub-section* (5), *in line* 1, omit *the word* ' *elected* ' *and* for *the words and figure* ' *if the period referred to in sub-section* (2) *expires on* ' *substitute the words and figure* ' *if the day referred to in sub-section* (2) *is* ' *and* for *the words* ' *immediately preceding the expiry of such period* ' *occurring at the end substitute the words* ' *immediately preceding such day* '.

(*e*) *In sub-section* (7), *before the word and figure* ' *section* 7 ' *insert the words and figure* ' *sub-section* (1) *of* '."

The amendment was adopted.

Clause 148 (*ii*).

New Rule 3 (1).

The hon. the PRESIDENT :—" The question is—

Omit the words ' *during office hours* ' *occurring in the penultimate line and insert those words after the words* ' *at the municipal office* ' *in line* 7."

The amendment was adopted.

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Clause 150.

New Rule 9.

The hon. the PRESIDENT :—" The question is—

For the words 'within a period of thirty days from the date of such notice' in the first sentence substitute *the words 'within a period of sixty days from the date of such notice in the case of the Government, a railway administration or a company and of thirty days from the said date in other cases' and* omit *the proviso*."

The amendment was adopted.

New Rule 10.

The hon. the PRESIDENT :—" The question is—

For the words 'within thirty days from the date of service of such notice' substitute *the words 'within sixty days from the date of service of such notice in the case of the Government, a railway administration or a company and within thirty days from the said date in other cases.'*"

The amendment was adopted.

Rule 11.

The hon. the PRESIDENT :—" The question is—

In line 5, for *the words 'annual value' substitute the words 'annual or capital value'*."

The amendment was adopted.

Clause 152.

Rule 16 (3).

The hon. the PRESIDENT :—" The question is—

In the last line, omit *the words 'in the scale'*."

The amendment was adopted.

Rule 17.

The hon. the PRESIDENT :—" The question is—

In line 2, for the words 'or exercised a profession' substitute the words 'and a person shall be deemed to have exercised a profession'."

The amendment was adopted.

Rule 18 (2).

The hon. the PRESIDENT :—" The question is—

For the words and letter 'referred to in clause (b)' substitute the words and letter 'prescribed under clause (b)'."

The amendment was adopted.

Rule 19 (1).

The hon. the PRESIDENT :—" The question is —

(*a*) *In the fifth line, from the bottom, for the words 'submit returns' substitute the words 'submit a return'*."

The amendment was adopted.

Rule 19 (4).

The hon. the PRESIDENT :—" The question is—

(b) *In line (2), for the words ' this sub-rule ' substitute the word and figure ' sub-rule 3 '.*"

The amendment was adopted.

Clause 153.

Sub-clause (i).

Rule 20 (1).

The hon. the PRESIDENT :—" The question is—

In the first line for the word ' to ' at the end, substitute the word ' of '."

The amendment was adopted.

Sub-clause (ii).

Rule 20 (2).

The hon. the PRESIDENT :—" The question is—

In the penultimate line, for the words ' such carriage or animal ' substitute the words ' such carriages and animals '."

The amendment was adopted.

Clause 154.

Rule 21.

Sub-clause (iii).

The hon. the PRESIDENT :—" The question is—

For the words ' motor lorry ' in the new item substitute the words ' steam or motor lorry '."

The amendment was adopted.

Clause 155.

Rule 22.

The hon. the PRESIDENT :—" The question is—

In line 2, for the word ' thereto ' substitute the word ' thereof '."

The amendment was adopted.

Clause 156.

Rule 23.

The hon. the PRESIDENT :—" The question is—

In clause (b), for the words and figures ' rules 16 or 17 ' substitute the word and figures ' rule 19 '."

The amendment was adopted.

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Clause 168 (1).

Rule 36 (1).

The hon. the PRESIDENT :—" The question is—

In line 4, before *the first word ' for ' insert the figure ' (i) '.*"

The amendment was adopted.

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Clause 168 (2).

Rule 36 (2).

The hon. the PRESIDENT :—" The question is—

For the words and figure 'pay over to the municipal council (i) the amounts', substitute the words 'pay over to the municipal council the amounts'."

The amendment was adopted.

Clause 174.

Schedule V.

The hon. the PRESIDENT :—" The question is—

Omit sub-clause (ii) and re-number sub-clauses (iii) and (iv) as sub-clauses (ii) and (iii) respectively."

The amendment was adopted.

Clause 175.

Schedule VII.

Sub-clause (iv).

The hon. the PRESIDENT :—" The question is—

Omit the item relating to section 111-A and for the word 'items' in line 2, substitute the word 'item'."

The hon. the PRESIDENT :—" The question is—

(*a*) *Re-number sub-clauses (xiv), (xv), (xvi) and (xvii) as (xv), (xvii), (xviii) and (xix) respectively and insert the following as sub-clauses (xiv) and (xvi) respectively :—*

'(*xiv*) *In the third column of the item relating to section 261, the words "of food" shall be omitted.*

'(*xvi*) *In the third column of the item relating to section 275, for the word and figures "section 269" the word and figures "section 274" shall be substituted.*

(*b*) *For sub-clause (xv) as re-numbered by the above amendment substitute the following sub-clause, namely :—*

'(*xv*) (*a*) *In the third column of the item relating to section 270, for the words "Sale of article in public streets" the words "Sale or exposure for sale of animal or article in public street" shall be substituted ; and*

(*b*) *after the same item, the following items shall be inserted, namely :—*

"270 *C* ...	*Using a public place or the sides of a public street as a public landing place, etc.*	*Two hundred rupees.*

" 270 *E* ...	*Opening or keeping open a new private cart-stand without licence or contrary to licence.*	*Two hundred rupees'.*"

The amendment was adopted.

Clause 176 *(vi).*

Schedule VIII.

The hon. the PRESIDENT :—" The question is—

For the item relating to 270 *D, substitute the following items, namely* :—

'270 *C* ...	*Using a public place or the sides of a public street as a public landing place, etc.*	*Twenty rupees.*
'270 *E* ...	*Opening or keeping open a new private cart-stand without licence or contrary to licence.*	*Twenty rupees'.*"

The amendment was adopted.

Clause 177.

The hon. the PRESIDENT :—" The question is—

(1) *Re-number sub-clauses* (1) (*a*), (*b*), (*c*) *and* (*d*) *and* 2 (*a*), (*b*) *and* (*c*) *of clause* 177 *as sub-clauses* (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) *and* (*g*) *respectively of the same clause.*

(2) *In sub-clause* (*a*), *in line* 4, before *the word* ' *sections* ' *insert the words and figures* ' *sub-section* (2) *of section* 48 *and*.'

(3) *In sub-clause* (*b*), *in lines* 2 *and* 3, for *the word and figure* ' *sub-section* (4) ' *substitute the words and figures* ' *sub-sections* (4) *and* (5)'.

(4) *In sub-clause* (*c*), *omit the word* ' *and* ' *at the end.*

(5) *In sub-clauses* (*e*), (*f*) *and* (*g*) *as re-lettered by amendment* (1), *for the word* ' *Any* ' *at the commencement* substitute *the word* ' *any* '.

(6) *In sub-clause* (*e*) *as so re-lettered in lines* 4 *and* 5, *omit the words and figure* ' *of sub-section* (1) '.

(7) *In sub-clause* (*f*) *as so re-lettered* for *the words and figures* ' *sections* 38, 39, 41 *and* 43 ' *substitute the words and figures* ' *sections* 40, 41, 43 *and* 45 '.

(8) *At the end of sub-clause* (*f*) *as so re-lettered insert the word* ' *and* '.

(9) *In sub-clause* (*g*) *as so re-lettered* for *the words and letters* ' (*a*) *or* (*b*) *of this sub-section* ', *substitute the word and letters* ' (*e*) *or* (*f*) ' ; *and omit the words and figure* ' *of sub-section* (1) ' *occurring at the end.*

(10) *In the Explanation, in line* 4, *for the words* ' *sub-section* ' *at the end substitute the word* ' *section* '.

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Re-number clause 178 *as clause* 179 *and insert the following clause, as clause* 178, *namely* :—

'178. *Every municipality in which a water and drainage tax is levied on the date of the commencement of this Act shall, on or before such date as the Local Government may fix in this behalf, declare in accordance wtih the provisions of the first proviso to sub-section* (1) *of section* 81 *of the said Act as amended by this Act what proportion of the tax is levied for water-works*'."

The amendment was adopted.

The Schedule.

The hon. Dr. P. SUBBARAYAN :—" I do not propose to move the amendment."

Mr. C. GOVINDAN NAYAR :—" I am sorry I made a mistake."

The hon. the PRESIDENT :—" Please explain."

Mr. C. GOVINDAN NAYAR :—" The entries relating to section 41, sub-section (1), proviso (*a*), should be omitted because these do not exist at all as the result of a revised proviso which was substituted. The entries relate to a non-existent proviso. Similarly with reference to Schedule IV, rule 61. Therefore we must delete these two items."

The hon. the PRESIDENT :—" The question is—

Omit *the two entries relating to section* 41, *sub-section* (1), *proviso* (*a*), *and also the entry relating to Schedule IV, rule* 61."

The motion was adopted.

Clause 123 (*vi*).

Section 303 (2) (*r*).

Mr. F. E. JAMES :—" I move—

In sub-clause (*vi*) omit *the word* '*and*' *at the end of* (*q*) *and after* (*r*) add *the following* :—

'*and* (*s*) *for determining the cost of buildings and lands*.'

'I appreciate the difficulties raised and therefore I am not moving the question relating to depreciation and the conditions under which lands shall be deemed to be appurtenant to buildings."

The hon. Dr. P. SUBBARAYAN :—" I have no objection to that."

The hon. the PRESIDENT :—" The question is—

In clause 123, *sub-clause* (*vi*), omit *the word* '*and*' *at the end of* (*a*) *and after* (*r*) add *the following* :—

'*and* (*s*) *for determining the cost of buildings and lands*'."

The amendment was adopted.

The hon. the PRESIDENT :—" The question is—

That the clauses in the Bill shall be re-numbered."

The amendment was adopted.

Clause 6.

Sub-section 3 (*e*).

Rao Sahib R. SRINIVASAN :—" I move to—

Substitute the word 'and' for the word 'or' after the word 'Anglo-Indians'.

" I move this because I want that there should be a certain uniformity in representation and that the claims of the Adi-Dravidas should not be overlooked by the municipality."

Rao Sahib V. I. MUNISWAMI PILLAI :—" I second it."

* The hon. Dr. P. SUBBARAYAN :—" This question was already considered both in the Select Committee and during the second reading stage of the Bill in the Legislative Council. Mr. Srinivasan is wrong in thinking that it is in the power of the municipality to determine the community to which the representation of a reserved seat will be given. The power is in the Government and he may rest assured that the interests of the Adi-Dravida community will be vigilantly watched by the Government."

The amendment was by leave of the House withdrawn.

* The hon. Dr. P. SUBBARAYAN :—" Mr. President, I must convey my thanks to Mr. C. Govindan Nayar, Mr. Cotton, Mr. Cotterell and Mr. Hilton Brown who have really been responsible in many ways for drafting this Bill. At every stage, I have been obliged to them for putting forward amendments and getting things into shape. I am also obliged to hon. Members of this House who have readily helped me at every stage to bring the Bill into proper shape, especially to Diwan Bahadur B. Muniswami Nayudu and Mr. A. Ranganatha Mudaliyar and their party who, I know, have been as anxious that this Bill should be piloted through the House as I have been. I thank them all for the kindness they have shown towards me in the piloting of this measure. I hope that by the passing of this measure we shall have some reform in the matter of municipal administration which will redound to the credit of the province."

* Mr. R. NAGAN GOWDA :—" Sir, while this Bill is going to be passed into law I wish to say just a few words about some of the things that were included in this Bill and others which were not included.

" The one important point on which I wish to lay stress is that in the assessment of profession-tax, the hon. the Chief Minister and the Government have acted rather more favourably to the rich people than to the poor people. Sir, I would here mention the fact that a person getting an income of Rs. 150 for six months pays one-half of one per cent as profession-tax whereas an individual or a company getting an income of Rs. 21,000 or more pays one and three-tenths per cent. This, Sir, is rather unjust. This is against all principles of taxation. Sir, here the incidence of taxation is almost $\frac{5}{10}$ on a poor man and it is but $1\frac{1}{4}$ or $1\frac{3}{10}$ per cent on an individual getting Rs. 21,000 for six months. I do not see the justice of this. They ought to have changed this so that people getting higher incomes were charged proportionately more. This is followed in every civilized country. We are not, Sir, far behind other civilized countries in claiming we are civilized. But in acts like these, when a poor man is concerned, we are down on him.

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"Another thing that was passed and should not have been passed was this: that while co-operative societies and their buildings are taxed at a higher rate, that is, at a rate regularly charged for all the private buildings, buildings belonging to railway companies which are making huge profits were given exemption and were taxed only 4 per cent. If the Government did not have behind them a group of people who would stand every time they are bid to stand by them these changes would not have been made.

"Another thing which I must not fail to mention is this—the insistence on the part of the Government to have property qualification for voters. In this connexion I will mention one important fact. A great majority of the women who ought to be enfranchised would go without franchise for the simple reason that ordinarily according to Hindu Law women do not possess property and have no property in their names. These are the things which, if the Opposition was working actively and some of the members who are out of the Council were not out and if the Opposition now presented by the Justice party were the real opposition and not a make-believe one, would not have been passed.

"There is one thing in favour of the Bill and that is the nominations have been abolished. If not for anything else, for that at least we needed this amending Bill. There are very many other things in this Bill which must be amended again."

* Mr. Sami Venkatachalam Chetti :—"I would like to congratulate all those persons who have taken some part or another in kicking this Bill into shape. Undoubtedly this Bill contains many features of a progressive character. In the first place, the ever troublesome question of nominations is over and the municipalities are given the free atmosphere of elective spirit. I trust that in this freedom that is given to municipal councils the ugly episodes which have become a frequent occurrence in the municipal administration recently will disappear. The vagaries of autocratic chairmen of municipalities will, I hope, be completely eliminated by the safeguarding provisions which the Council have thought fit to introduce in this Bill. It is also hoped that the transference of the power of conduct of elections to authorities different from the local bodies themselves will put an end to the wrangles with which any Minister's life could be made intolerable.

"I am, however, disappointed that my hon. Friend Dr. Subbarayan has not made any reference to the undoubted assistance he has received from the members of the Congress party who are not here. Probably their absence put them out of his mind and the past favours conferred by the Congress party are forgotten." (Laughter.)

The hon. Dr. P. Subbarayan :—"Mutual favours." (Laughter.)

The hon. the President :—"You lost your leadership and he has forgotten you as well."

* Mr. Sami Venkatachalam Chetti :—"Nevertheless, Sir, it stands really to his credit that it was possible for him during his tenure of office to pilot through the Council a Bill of that sort. It was earnestly looked for by the people for the last six years."

The hon. the President :—"The Council will now adjourn for lunch and meet at 2-30 p.m.."

After Lunch (2-30 p.m.).

* The hon. the PRESIDENT :—" I think it will be more to the convenience of the House if this motion is now put. If any hon. Member wants to oppose the motion, he can do so. Hon. Members may reserve their valedictory speeches for both the Bills to the end so that we can easily see how the time can be adjusted. I will now put the motion of the hon. the Chief Minister to the vote of the House."

The motion that the Bill be passed into law was put and adopted.

(2) A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920
(BILL NO. 13 OF 1929).

The hon. Dr. P. SUBBARAYAN :—" I move that the Bill to amend the Madras Local Boards Act be passed into law."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

* The hon. the PRESIDENT :—" We shall adopt the same procedure as we did in the case of the District Municipalities Bill. I shall put the amendments."

Clause 3 (*iii*).

New clause (6).

The hon. the PRESIDENT :—" The question is—

Omit the proviso."

The amendment was adopted.

Clase 3 (*xiv*).

New clause 19-A.

The hon. the PRESIDENT :—" The question is—

In line 4, after the word ' excluding ' insert the word ' therefrom '. "

The amendment was adopted.

Clause 3.

New clause 19-B.

The hon. the PRESIDENT :—" The question is—

In line 3, after the word ' excluding ' insert the word ' therefrom '."

The amendment was adopted.

Clause 3 (*xv*).

New section 3 (21).

The hon. the PRESIDENT :—" The question is—

For the definition of sub-landholder, substitute the following definition, namely :—

(21) *' Sub-landholder ' means a person not being a landholder who—*

(*a*) (*i*) *holds any portion of any estate consisting of one or more revenue villages on an under-tenure, created, continued or recognized by the proprietor of such estate, or*